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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

WESLEY D. RICH,	Civil Case No. 6:18-cv-906
Plaintiff,	COMPLAINT
v.	(42 U.S.C. §405 (g) and
	42 U.S.C. §1382(c)(3))

NANCY BERRYHILL, Acting  
Commissioner of Social  
Security Administration,

Defendant.

1

Plaintiff is a citizen of the United States of America  
and a resident of the state of Oregon.

2

Jurisdiction of this court is provided in 42 U.S.C.  
§405)(g).

3

Plaintiff filed an application for a period of  
disability and disability benefits with the Social Security  
Administration. The application was denied initially and on

reconsideration. Plaintiff timely filed a request for hearing. On May 1, 2017, the administrative law judge issued an unfavorable decision. Plaintiff timely filed a request for review with the Appeals Council. On April 20, 2018 the Appeals Council denied the request for review thereby making the administrative law judge decision the final decision of the commissioner.

4

Plaintiff has exhausted his administrative remedies and the defendant has issued its final administrative decision.

5

Defendant erred in concluding there was no basis for granting plaintiff's request for review and allowing the administrative law judge decision to stand as the final decision because the conclusions and findings of fact of the administrative law judge are not supported by substantial evidence and are contrary to law and regulation.

6

For the foregoing reasons, plaintiff seeks judicial review pursuant to 42 U.S.C. §405(g) of the defendant's final administrative decision, a determination that the decision is erroneous, and either an award of a period of

disability and disability insurance benefits or a remand for a new hearing.

WHEREFORE, plaintiff prays that this Court:

- 1) reverse the decision of the defendant; and
- 2) find plaintiff is entitled to disability benefits under the provisions of the Social Security Act; or
- 3) remand the case for a further hearing; and
- 4) award attorney fees under the Equal Access to Justice Act, 28 U.S.C. §2412(d), on the grounds that the Commissioner's action in this case was not substantially justified; and
- 5) order such other and further relief as the Court deems just and proper.

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DAVID W. HITTLE  
Attorney for Plaintiff